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Public Disclosure Commission

Rob McKenna

ATTORNEY GENERAL OF WASHINGTON

1125 Washington Street SE • PO Box 40100 • Olympia WA 98504-0100

February 10, 2006

Vicki Rippie
Executive Director
Public Disclosure Commission
PO Box 40908
Olympia, WA 98504-0908

06-322

RE: Richard Pope 45 Day Letter – Ron Sims

Dear Ms. Rippie:

The Attorney General's Office has received a complaint from Mr. Richard Pope against Ron Sims. The complaint alleges violations of the Public Disclosure Law, Ch. 42.17 RCW, and was filed pursuant to RCW 42.17.400(4). As you know, RCW 42.17.400(4) requires action on the complaint within 45 days of its receipt. In this case, the complaint was received on February 10, 2006. I understand that you have received a copy of the letter by email, and as such, have not provided a separate copy.

As is customary with these types of complaints, we are referring the complaint to your agency for investigation. We will await the results of your investigation before proceeding further. In the event the Commission determines that it is appropriate to schedule an administrative hearing, please advise. Otherwise, I would request the Commission's recommendation with the report of investigation be forwarded to the Attorney General when it is complete. Please note that Mr. Pope has indicated that in the event action is not brought within 45 days, he will pursue a citizen's action under RCW 42.17.400.

I have been assigned the file in our office. I am available to answer any legal questions you may have during the course of your investigation.

If you have any questions, please do not hesitate to call me at (360) 753-0543.

Sincerely,

LINDA A. DALTON
Sr. Assistant Attorney General

LAD:eg

cc: Richard Pope
Rob McKenna, Attorney General
Jeff Goltz, Deputy Attorney General
Norm Maleng, King County Prosecuting Attorney
Ed Holm, Thurston County Prosecuting Attorney

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FEB - 8 2006
Public Disclosure Commission

Richard L. Pope, Jr.
1839 - 151st Avenue, S.E.
Bellevue, Washington 98007

Tel: (425) 747-4463
E-Mail: RPope98155@aol.com

February 8, 2006

Honorable Robert M. McKenna
Attorney General of Washington
1125 Washington Street, S.E.
Post Office Box 40100
Olympia, Washington 98504

Re: Citizen Action Letter, RCW 42.17.400(4)
Ron Sims, Surplus Account

Dear Attorney General McKenna:

This letter concerns Ron Sims and his surplus account. This account contains money mostly left over from his 2001 campaign for King County Executive, with some additional left over money from his 2004 campaign for Governor. Mr. Sims has been a full-time elected official for over 16 years. He was elected to the King County Council in November 1989 and November 1993. Mr. Sims was appointed King County Executive in January 1997, and elected to full terms to that position in November 1997 and November 2001. He ran unsuccessfully for Governor in the September 2004 primary.

I am sending this written notification pursuant to the citizen action provisions of RCW 42.17.400(4) to inform you that I have reason to believe that Ron Sims may have violated the provisions of RCW 42.17.080 and RCW 42.17.090 by failing to timely report receipts to and expenditures from his surplus account. Mr. Sims also appears to have violated the mandatory electronic filing requirements under RCW 42.17.3691(2). Mr. Sims did not timely register his surplus funds account under RCW 42.17.040(1). In addition, Mr. Sims has not properly accounted for some of his expenditures.

I believe that Mr. Sims would be required to start filing her surplus account reports electronically under RCW 42.17.3691(1), starting in January 2002, and under RCW 42.17.3691(1), starting in January 2004. This requires a candidate to file "all contribution reports and expenditure reports required by this chapter" electronically, if they spent at least \$10,000 (\$25,000 in 2002 and 2003) during the previous calendar year, or expect to spend at least \$10,000 (\$25,000 in 2002 and 2003) during the current year.

Mr. Sims spent well over \$25,000 in 2001 during his King County Executive race, spent over \$25,000 in surplus funds in January 2002 alone, spent over \$25,000 in both Governor campaign funds and surplus funds in 2003, spent over \$10,000 in both Governor campaign funds and surplus funds in 2004, and spent over \$10,000 in both King County Executive campaign funds and surplus funds in 2005. The requirement for electronic filing is triggered either by campaign funds spent or by surplus funds spent.

Mr. Sims established his surplus funds account on January 29, 2002 by depositing \$245,561.56 and spending \$30,000.00. RCW 42.17.040(1) required Mr. Sims to register his surplus funds account with the PDC within 14 days, or by February 12, 2002.

Mr. Sims did not file his C1 registration form for his surplus funds account until February 20, 2002, which was 8 days past the due date under RCW 42.17.040(1).

Under RCW 42.17.080(1), Mr. Sims was required to file his initial C4 report and supporting schedules within 14 days of the first receipts or expenditures of his surplus funds account – i.e. at the same time his C1 registration form was required. This would have reported receipts of \$245,561.56 and expenses of \$30,000.00 and would have been due no later than February 12, 2002. Mr. Sims did not report these receipts or expenditures until April 5, 2002, which was 52 days past the due date. Mr. Sims has never filed this report electronically, and is now 1,457 days past due on this.

Mr. Sims spent \$472.18 of surplus funds during February 2002. Under RCW 42.17.080(2)(c), Mr. Sims' C4 report and supporting schedules were due on March 11, 2002, but he did not report these expenditures until April 5, 2002, which was 25 days after this reporting was due. Mr. Sims has never filed this report electronically, and is now 1,430 days past due on this.

Mr. Sims spent \$1,018.44 of surplus funds during September 2002. Under RCW 42.17.080(2)(c), Mr. Sims' C4 report and supporting schedules were due on October 10, 2002, but he did not report these expenditures until May 13, 2003, which was 215 days after this reporting was due. Mr. Sims has never filed this report electronically, and is now 1,217 days past due on this.

Mr. Sims spent \$2,500.00 of surplus funds during April 2003. Under RCW 42.17.080(2)(c), Mr. Sims' C4 report and supporting schedules were due on May 12, 2003, but he did not report these expenditures until May 13, 2003, which was 1 day after this reporting was due. Mr. Sims has never filed this report electronically, and is now 1,003 days past due on this.

Mr. Sims spent \$2,500.00 of surplus funds during May 2003 and July 2003. Under RCW 42.17.080(2)(c), Mr. Sims' C4 report and supporting schedules were due on August 11, 2003, but he did not report these expenditures until August 16, 2003, which was 5 days after this reporting was due. Mr. Sims has never filed this report electronically, and is now 907 days past due on this.

Mr. Sims spent \$31,446.50 of surplus funds during August 2003. Under RCW 42.17.080(2)(c), Mr. Sims' C4 report and supporting schedules were due on September 10, 2003, but he did not report these expenditures until September 12, 2003, which was 2 days after this reporting was due. Mr. Sims has never filed this report electronically, and is now 880 days past due on this.

Mr. Sims spent \$28,272.50 of surplus funds during September 2003. Under RCW 42.17.080(2)(c), Mr. Sims' C4 report and supporting schedules were due on October 10, 2003, but he did not report these expenditures until October 14, 2003, which was 4 days after this reporting was due. Mr. Sims has never filed this report electronically, and is now 848 days past due on this.

Mr. Sims spent \$20,212.50 of surplus funds during October 2003. Under RCW 42.17.080(2)(c), Mr. Sims' C4 report and supporting schedules were due on November 10, 2003, but he did not report these expenditures until November 24, 2003, which was 14 days after this reporting was due. Mr. Sims has never filed this report electronically, and is now 807 days past due on this.

February 8, 2006

Public Disclosure Commission

Mr. Sims spent \$14,098.62 of surplus funds during November 2003. Under RCW 42.17.080(2)(c), Mr. Sims' C4 report and supporting schedules were due on December 10, 2003, but he did not report these expenditures until December 30, 2003, which was 20 days after this reporting was due. Mr. Sims has never filed this report electronically, and is now 771 days past due on this.

Mr. Sims spent \$15,550.00 of surplus funds during December 2003. Mr. Sims filed an otherwise timely paper C4 report and supporting schedules on January 9, 2004, but has never filed this report electronically – now 758 days past due on this.

Mr. Sims spent \$10,700.00 of surplus funds during January 2004. Under RCW 42.17.080(2)(c), Mr. Sims' C4 report and supporting schedules were due on February 10, 2004, but he did not report these expenditures until February 27, 2004, which was 17 days after this reporting was due. Mr. Sims has never filed this report electronically, and is now 729 days past due on this.

Mr. Sims spent \$7,090.00 of surplus funds during February 2004. Under RCW 42.17.080(2)(c), Mr. Sims' C4 report and supporting schedules were due on March 10, 2004, but he did not report these expenditures until March 24, 2004, which was 14 days after this reporting was due. Mr. Sims has never filed this report electronically, and is now 700 days past due on this.

Mr. Sims spent \$7,935.00 of surplus funds during March 2004. Under RCW 42.17.080(2)(c), Mr. Sims' C4 report and supporting schedules were due on April 12, 2004, but he did not report these expenditures until April 17, 2004, which was 5 days after this reporting was due. Mr. Sims has never filed this report electronically, and is now 667 days past due on this.

Mr. Sims spent \$500.00 of surplus funds during April 2004. Under RCW 42.17.080(2)(c), Mr. Sims' C4 report and supporting schedules were due on May 10, 2004, but he did not report these expenditures until June 8, 2004, which was 29 days after this reporting was due. Mr. Sims has never filed this report electronically, and is now 639 days past due on this.

Mr. Sims spent \$4,975.00 of surplus funds during May 2004. Mr. Sims filed an otherwise timely paper C4 report and supporting schedules on June 8, 2004, but has never filed this report electronically – now 608 days past due on this.

Mr. Sims spent \$2,203.50 of surplus funds during June 2004. Mr. Sims filed an otherwise timely paper C4 report and supporting schedules on July 10, 2004, but has never filed this report electronically – now 576 days past due on this.

Mr. Sims spent \$2,090.00 of surplus funds during July 2004. Under RCW 42.17.080(2)(c), Mr. Sims' C4 report and supporting schedules were due on August 10, 2004, but he did not report these expenditures until August 16, 2004, which was 6 days after this reporting was due. Mr. Sims has never filed this report electronically, and is now 547 days past due on this.

Mr. Sims spent \$56,370.00 of surplus funds during January 2005. Under RCW 42.17.080(2)(c), Mr. Sims' C4 report and supporting schedules were due on February 10, 2005, but he did not report these expenditures until February 23, 2005, which was 13 days after this reporting was due. Mr. Sims has never filed this report electronically, and is now 363 days past due on this.

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FEB - 8 2006

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Mr. Sims spent \$681.01 of surplus funds during February 2005. Under RCW 42.17.080(2)(c), Mr. Sims' C4 report and supporting schedules were due on March 10, 2005, but he did not report these expenditures until March 16, 2005, which was 6 days after this reporting was due. Mr. Sims has never filed this report electronically, and is now 335 days past due on this.

Mr. Sims received \$3,200.00 and spent \$1,860.00 of surplus funds during December 2005. Under RCW 42.17.080(2)(c), Mr. Sims' C4 report and supporting schedules were due on January 10, 2006, but he did not report these expenditures until January 13, 2006, which was 3 days after this reporting was due. Mr. Sims has never filed this report electronically, and is now 29 days past due on this.

In addition, RCW 42.17.090(1)(k), WAC 390-16-037, WAC 390-16-041, and WAC 390-16-205 require the name and address of each vendor be listed, including the amounts spent on each vendor when reimbursement is made to candidate or agents.

In February 2005 (date not provided), Mr. Sims paid \$681.01 to himself for "expenses incurred as public official – not reimbursed by county; includes air, travel, meals and lodging". Ms. Gregoire did not provide the names and addresses of the vendors that he had paid, or the amounts to each vendor.

RCW 42.17.090(1)(f) requires, among other things, that the DATE of each expenditure be reported. There are numerous instances where Mr. Sims has failed to report the date of his surplus funds expenditures, and furnished the MONTH only:

November 2003 – U.S. Bank, \$109.12 fee for check printing charge

November 2003 – Filipino American Herald, \$100.00 for publication

April 2004 – N.W. Asian Weekly, \$500.00 for non-reimbursed expense

May 2004 – The Fact Newspaper, \$350.00 for non-reimbursed expense

May 2004 – Center for Career Alt, \$250.00 for non-reimbursed expense

May 2004 – PAASE, \$100.00 for non-reimbursed expense

August 2004 – International Drop-In Center, \$2,000.00 for unreimbursed expense

August 2004 – JT News, \$432.00 for unreimbursed expense

February 2005 – Ron Sims, \$681.01 for expenses incurred as public official

If enforcement action is not commenced by filing a civil action in court in the name of the State of Washington, within forty-five days of your receipt of this written notification, I reserve my right under RCW 42.17.400(4) to give a second written notification that I will commence citizen's action in the name of the State of Washington over these matters if there has been further failure to so act within ten days of the receipt of such second written notification, and thereafter commence a civil action on my own initiative in the name of the State of Washington over these matters.

I am also forwarding a copy of this citizen action letter to the prosecuting attorney of Thurston County Prosecuting Attorney, since that is where PDC reports are filed and where candidacy papers for Governor are filed, and to the prosecuting attorney of King County, since that is where Mr. Sims lives and where the campaign for King County Executive is conducted.

Thank you for your careful attention in this matter

Very truly yours,



Richard L. Pope, Jr.

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FEB - 8 2006

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Enclosures (sent via e-mail only, in order to conserve paper):

1. C1 Surplus Funds Registration Form, filed February 20, 2002
2. C4 Report and Schedule A, filed April 5, 2002
3. C4 Report and Schedule A, filed May 13, 2003
4. C4 Report and Schedule A, filed August 16, 2003
5. C4 Report and Schedule A, filed September 12, 2003
6. C4 Report and Schedule A, and Form C3, filed October 14, 2003
7. C4 Report and Schedule A, filed November 24, 2003
8. C4 Report and Schedule A, filed December 30, 2003
9. C4 Report and Schedule A, filed January 9, 2004
10. C4 Report and Schedule A, filed February 27, 2004
11. C4 Report and Schedule A, filed March 24, 2004
12. C4 Report and Schedule A, filed April 17, 2004
13. C4 Report and Schedule A, filed June 8, 2004
14. C4 Report and Schedule A, filed July 10, 2004
15. C4 Report and Schedule A, filed August 16, 2004
16. C4 Report and Schedule A, filed September 13, 2004
17. C4 Report and Schedule A, filed February 23, 2005
18. C4 Report and Schedule A, filed March 16, 2005
19. C4 Report and Schedule A, and C3 Report, filed January 13, 2006

DECLARATION

I declare under penalty of perjury under the laws of the State of Washington that the above and foregoing is true and correct to the best of my knowledge and belief.

Signed at Bellevue, Washington on February 8, 2006.



RICHARD L. POPE, JR.

Cc: Vicki Rippie
Executive Director
Public Disclosure Commission
711 Capitol Way, Room 206
Post Office Box 40908
Olympia, Washington 98504-0908

Honorable Edward G. Holm
Thurston County Prosecuting Attorney
2000 Lakeridge Drive, S.W., # 2
Olympia, Washington 98502

Honorable Norman K. Maleng
King County Prosecuting Attorney
516 Third Avenue, Room W-554
Seattle, Washington 98104

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